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STUDENT NOTES

THE UNAUTHORIZED PRACTICE OF LAW

"The practice of law does not lend itself to a precise and all inclusive definition."¹ The truth of this statement has long been recognized and has been generally affirmed in court opinions.² But, despite the difficulty, there are occasions when courts must attempt to define the practice of law or to apply prior definitions to existing cases.

The first problem encountered in attempting to determine just what the practice of law constitutes, concerns authority. To be more precise: Who has the authority to define the practice of law and who has the authority to prevent unlawful practice? Many state court decisions are found that base such authority on an inherent power of the courts stemming from a constitutional creation of a judicial branch of government.³

¹ Dagan v. Berman, 14 N.J. 467, 102 A.2d 765 (1954).

² Rhode Island Bar Ass'n v. Automobile Service Ass'n, 55 R.I. 122, 179 Atl. 139 (1935).

³ Arkansas Bar Ass'n v. Union Nat'l Bank, 224 Ark. 48, 273 S.W.2d 408 (1954); *In re Hallinan*, 43 Cal.2d 243, 272 P.2d 768 (1954); *In re McBride*, 164 Ohio St. 419, 132 N.E.2d 113 (1956).